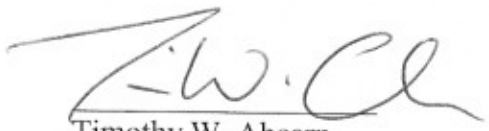


DECLARATION

I, Timothy W. Ahearn, declare under penalty of perjury that:

1. I am an attorney duly licensed and in good standing with the California State Bar. I am currently employed by the Contra Costa County Public Defender as a Deputy Public Defender and have been so since December 1999. My current assignment is at the Alternate Defender Office.
2. On August 22, 2007, I was working in my current assignment as a Deputy Public Defender. On that date, and in that capacity, I was in the Martinez Detention Facility interviewing a client. I believe I was interviewing the client on "C" module in a full contact room.
3. While interviewing the client, a fight broke out on the module. A code was sounded and sheriff deputies from all over the facility arrived on the module to quell the disturbance.
4. One of the deputies who arrived was Jason Ingrassia who was in plain clothes.
5. I recognized Deputy Ingrassia because he was the arresting officer in a case I had worked on. That case was People v. Richard Smith, docket number 5-070257-1.
6. As part of my representation of Mr. Smith, I filed a Motion to Suppress Evidence pursuant to Penal Code section 1538.5.
7. The hearing on the motion was held on August 8, 2007 before the Honorable Nancy Davis Stark.
8. The basis of the motion was that Deputy Ingrassia fabricated probable cause when he detained Mr. Smith. Deputy Ingrassia was called by the prosecution as a witness and I cross examined him about whether he had fabricated the probable cause in Mr. Smith's case.

Executed on October 20, 2007 at Martinez, CA.


Timothy W. Ahearn
Declarant
Attorney for the Defendant